

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

BARION LEE HAIRSTON,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 0:14-cv-01101-TLW
	)	
WARDEN, FEDERAL CORRECTIONAL	)	
INSTITUTION ESTILL	)	
	)	
Respondent.	)	
	)	
_____	)	

**ORDER**

Petitioner Barion Lee Hairston (“Petitioner”), an inmate at Federal Correctional Institution Estill, filed this pro se habeas petition pursuant to 28 U.S.C. § 2241. This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(c), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court dismiss the petition without prejudice and without requiring Respondent to file a return because “it is well established that defendants convicted in federal court are obliged to seek habeas relief from their convictions and sentences through § 2255.” (Doc. #7 at 3 (quoting Rice v. Rivera, 617 F.3d 802, 807 (4th Cir. 2010))). Petitioner’s objections to the Report were due by June 6, 2014. Petitioner filed no objections, and this matter is ripe for review.

The Court is charged with conducting a de novo review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections

to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

In light of this standard, the Court has carefully reviewed the Report and concludes that it accurately summarizes the case and the applicable law. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED**. (Doc. #7). For the reasons articulated by the Magistrate Judge, the petition is **DISMISSED** without prejudice and without requiring Respondent to file a return.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED** because Petitioner has failed to make "a substantial showing of the denial of a constitutional right." See 28 U.S.C. § 2253(c)(2).

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Chief United States District Judge

October 22, 2014  
Columbia, South Carolina